

***MINUTES OF  
FAUQUIER COUNTY AGRICULTURAL & FORESTAL  
DISTRICT ADVISORY COMMITTEE***

March 10, 2004

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on March 10, 2004, at 7:00 P.M. in the Court and Office Building, 40 Culpeper Street, Warrenton, Virginia. Those members present were Dr. Kitty Smith, Mrs. Mildred Riddell, Mr. William Worrall, Mr. John Schied; Ms. Lucie M. Garrett; Mr. James N. Eustace; and Ms. Mary T. Morran. Also present were Ms. Kimberley A. Johnson, Zoning Administrator, Ms. Bonnie Bogert, Planner, and Ms. Deborah Dotson, Office Associate III. Mr. Harry Atherton, Mr. Robert H. Rogers, and Mr. Ross D'Urso were absent.

**ELECTION OF OFFICERS**

On a motion made by Mr. Worrall and seconded by Ms. Garrett, the Committee moved to nominate Ms. Morran as Chairperson.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace

NAYS: None

ABSENT: Ms. Morran, Mr. Rogers, Mr. D'Urso, Mr. Atherton

The motion carried.

On the motion made by Dr. Smith and seconded by Mrs. Riddell, the Committee moved to nominate Mr. Worrall as Vice-Chairperson.

AYES: Dr. Smith, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Mr. Worrall

NAYS: None

ABSENT: Ms. Morran, Mr. Rogers, Mr. D'Urso, Mr. Atherton

**MINUTES**

On a motion made by Mrs. Riddell and seconded by Mr. Eustace, the Committee moved to approve the minutes of March 10, 2003 meeting as submitted.

The motion carried 6-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace

NAYS: None

ABSENT: Ms. Morran, Mr. Rogers, Mr. D'Urso, Mr. Atherton

**11<sup>th</sup> Addition to Orlean/Hume Agricultural and Forestal District – John and Debra Jeniec (Owners)**

Applicants have requested the addition of two parcels totaling 67.88 acres to the District. The applicants have not provided any information as to whether the site is utilized for farming or forestry. A review of the parcels indicates that the large parcel is partially wooded with gently rolling terrain and the smaller parcel is entirely wooded. The parcels are identified as PIN #6944-39-0770 (60.29 acres) and PIN #6945-20-8528 (7.59 acres), located off Leeds Manor Road (Rt. 688). The parcels are zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.

On a motion made by Dr. Smith and seconded by Mrs. Riddell, the Committee voted to recommend approval of the application to the Planning Commission and the Board of Supervisors with the following conditions:

1. All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.
2. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
3. No special use permit shall be in conflict with the purposes for which this District is created.
4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Sections 58.1-3229 and 58.1-3244 of the Code of Virginia.
5. That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code of Virginia.
6. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
7. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District; and if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
8. If the smaller lot identified as PIN #6945-20-8528-000 is sold before the District expires, then this parcel would automatically be removed from the District.

The motion carried 6-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace

NAYS: None

ABSENT: Ms. Morran, Mr. Rogers, Mr. D'Urso, Mr. Atherton

**11<sup>th</sup> Addition to Orlean/Hume Agricultural and Forestal District – Marion and Mary Long (Owners)**

Applicants have requested the addition of two parcels totaling 31.01 acres to the District. The applicants indicate this property is utilized for a part-time owner-occupied farm, but has provided no detailed information on the farming activity. A review of the parcels indicates the sites are partially wooded with gently rolling terrain. The parcels are identified as PIN #6936-75-4220 (30 acres) and PIN #6936-74-4765 (1.01 acres), located off Ernest Robinson Road. The parcels are zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.

Dr. Smith recommended that in the future staff provide more information about the kind of farming that an applicant is doing.

Ms. Johnson stated she agreed it would be helpful, and suggested that a text amendment be recommended to change the Zoning Ordinance to require the applicant to provide more detailed information. Ms. Johnson also noted it would be helpful to develop application forms which asked for the more detailed information.

On a motion made by Dr. Smith and seconded by Mrs. Riddell, the Committee voted to recommend approval of the application to the Planning Commission and Board of Supervisors with the following conditions:

1. All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.
2. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
3. No special use permit shall be in conflict with the purposes for which this District is created.
4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Sections 58.1-3229 and 58.1-3244 of the Code of Virginia.
5. That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code of Virginia.
6. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.

7. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District; and if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
8. If the smaller lot identified as PIN #6936-74-4765-000 is sold before the District expires, then this parcel would automatically be removed from the District.

The motion carried 6-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace

NAYS: None

ABSENT: Ms. Morran, Mr. Rogers, Mr. D'Urso, Mr. Atherton

**13<sup>th</sup> Addition to Marshall/Warrenton Agricultural and Forestal District – Kirk M. Lucas (Owner)**

Applicant has requested the addition of one parcel totaling 70.06 acres to the District. A review of the parcel indicates that the site is partially wooded with fairly level terrain. A 15-acre portion of the site was approved in 2002 for a golf practice facility. The County is currently processing a site plan for that facility, a commercial enterprise that would provide private instruction of individuals and groups not to exceed 12 people at a time. The parcel is identified as PIN #6985-98-2842 (70.06 acres), located off Blackwell Road (Rt. 672). The parcel is zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report. Ms. Bogert noted that a Special Exception had been filed with the County for a golf practice facility on a portion of the site; and that application is currently under review.

Dr. Smith stated that she felt the golf practice facility was a use in conflict with the purpose for which the agricultural and forestal district was created.

On a motion made by Dr. Smith and seconded by Ms. Garrett, the Committee voted to recommend denial of this application to the Planning Commission and the Board of Supervisors based on the following findings:

1. The larger portion of the parcel is not a working farm.
2. A smaller portion of the parcel is being used as a non-agricultural commercial enterprise.

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

**11<sup>th</sup> Addition to Springs Valley Agricultural and Forestal District – Duncan and Margaret MacPherson (Owners)**

Applicants have requested the addition of one parcel totaling 72.78 acres to the District. The applicants indicate that the site is not a working farm but is open space. A review of the parcel indicates that the property is heavily wooded with gently rolling terrain. The parcel is identified as PIN #6962-81-1949 (72.78 acres), located off March Wales Road. The parcel is zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.

On a motion made by Mrs. Riddell and seconded by Mr. Schied, the Committee voted to recommend approval of this application to the Planning Commission and the Board of Supervisors with the following conditions:

1. All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.
2. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
3. No special use permit shall be in conflict with the purposes for which this District is created.
4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Sections 58.1-3229 and 58.1-3244 of the Code of Virginia.
5. That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code of Virginia.
6. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
7. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District; and if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

**10<sup>th</sup> Addition to Upperville Agricultural and Forestal District – Mary Bryan DeBerry (Executrix of the Estate of MHG DiZerega)**

Applicant has requested the addition of three parcels totaling 1,083.84 acres to the District. The applicant indicates that the sites are used as a family-operated working farm whose principal crops are cattle and hay. A review of parcel one (424.39 acres) indicates that the property is partially wooded with moderately rolling terrain. A review of parcel two (17.02 acres) indicates that the property is open with fairly flat terrain. A review of parcel three (642.43 acres) indicates that the property is partially wooded with rolling terrain. The parcels are identified as PIN #6053-41-7879 (424.39 acres), located off of Rectortown Road; PIN #6053-03-2393 (17.02 acres), located off Carr Lane; and PIN #6062-55-8181 (642.43 acres), located off Crenshaw Road. The properties are zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.

On a motion made by Dr. Smith and seconded by Mr. Eustace, the Committee voted to recommend approval of this application to the Planning Commission and the Board of Supervisors with the following conditions:

1. All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.
2. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
3. No special use permit shall be in conflict with the purposes for which this District is created.
4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Sections 58.1-3229 and 58.1-3244 of the Code of Virginia.
5. That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code of Virginia.
6. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
7. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District; and if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
8. If the smaller parcel identified as PIN #6053-03-2393-000 is sold before the District expires, then this parcel will automatically be removed from the District

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

**Withdrawal from the Southern Fauquier Agricultural and Forestal District –  
Miriam R. Glaettli (Owner) / Joan G. Brent (Trustee/Applicant)**

Applicant has requested that a 130.5 acre property be withdrawn from the District so that she may subdivide it and sell a portion of the farm in order to cover the medical expenses incurred by her mother while still remaining in the home. The parcel was added to the District by the current owners in 1982 when the District was created. This is the only parcel in the District owned by Ms. Glaettli. The parcel is identified as PIN #7807-59-7220 (130.5 acres), located off Inglewood Farm Lane. The property is zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.

Ms. Brent, trustee/applicant, appeared representing the application. She stated that the intention was to divide out 85% of the property to sell and keep the remaining 15% to help pay medical expenses for the care of her mother.

Ms. Johnson stated that the 85% could not be subdivided any further under the current Subdivision Ordinance.

On a motion made by Ms. Garrett and seconded by Dr. Smith, the Committee voted to recommend approval of the application to the Planning Commission and the Board of Supervisors based on the following finding:

1. The applicant has shown a good and reasonable cause.

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

**Withdrawal from the Southern Fauquier Agricultural and Forestal District –  
Jimmie N. Eustace (Owner)**

Applicant has requested that three parcels totaling 277.18 acres be withdrawn from the District. The applicant indicates that poor milk prices have created a financial hardship that requires him to subdivide and sell some of his land. The parcels were added to the District in 1982 when it was created. The parcels are identified as PIN #7930-29-4478 (97.18 acres), PIN #7931-21-9776 (62 acres), and PIN #7931-42-1873 (118 acres). All of the parcels are located off Shenandoah Path Road. The properties are zoned RA (Rural Agricultural).

Mr. Eustace recused himself from the discussion and vote on this application.

Ms. Bogert reviewed the staff report.

Mr. Eustace stated that he was on the original Committee and was not opposed to the District but finds himself in a position that he needs to sell some of the property due to loss of income in the milking business. He stated that he was under the impression that his properties were already removed from the District. He stated that a letter was written in 1990 during a renewal process stating he wanted to be removed because he was against the 8-year renewal term. Due to a clerical error, the properties were not removed.

Ms. Johnson stated that staff found the letter that was written.

On a motion made by Mrs. Riddell and seconded by Ms. Garrett, the Committee voted to recommend approval of the application to the Planning Commission and the Board of Supervisors based on the following finding:

1. The applicant meets the good and reasonable cause.

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

ABSTAINED: Mr. Eustace

**Withdrawal from the Southern Fauquier Agricultural and Forestal District –  
Richard and Patrice Grandy (Owners)**

Applicants have requested that one parcel totaling 44.10 acres be withdrawn from the District so that the property could be subdivided and sold. The parcel was added by the previous owners in 1983. The parcel is identified as PIN #6990-14-5795 (44.10 acres), located off Green Road. The property is zoned RA (Rural Agricultural).

Ms. Bogert reviewed the staff report.



Mr. Plaster, representative of owners, appeared representing the application. He stated the owners lost their son in a car accident and have decided to remain in Texas where he is buried.

On a motion made by Dr. Smith and seconded by Ms. Morran, the Committee voted to recommend denial of this application to the Planning Commission and the Board of Supervisors based on the following finding:

1. The applicant has not shown a good and reasonable cause.

The motion carried 7-0.

AYES: Dr. Smith, Mr. Worrall, Mr. Schied, Ms. Garrett, Mrs. Riddell, Mr. Eustace, Ms. Morran

NAYS: None

ABSENT: Mr. Rogers, Mr. D'Urso, Mr. Atherton

**Adjournment:** There being no further business before the Committee, the meeting adjourned at 8:55pm.

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Mary Morran, Chairperson